

Case Nos. 22-55060, 22-55587

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff/Appellee,

v.

ACTIVISION BLIZZARD INC., BLIZZARD ENTERTAINMENT,
INC., ACTIVISION PUBLISHING, INC. KING.COM, INC., and
DOES ONE through TEN, inclusive,

Defendants/Appellees,

v.

CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND
HOUSING,

Proposed Intervenor/Appellant.

On Appeal from the United States District Court
for the Central District of California
No. 2:21-CV-07682-DSF-JEM

**JOINT UNOPPOSED REQUEST
TO ENLARGE ORAL ARGUMENT TIME**

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**JOINT UNOPPOSED REQUEST
TO ENLARGE ORAL ARGUMENT TIME**

Appellees in the above-captioned consolidated appeals—the EEOC and Defendants (“Activision”)—respectfully request that the Court enlarge oral argument time, in order to accommodate the number of distinct issues and multiple appellees involved in the appeals. Proposed Intervenor-Appellant, the California Civil Rights Department (“CRD,” formerly the Department of Fair Employment and Housing), does not oppose this request.

These cases are set for argument in Pasadena, in Courtroom 1, on June 13, 2023. The Court’s calendar indicates that each side will be allotted 15 minutes for argument. The appellees request that this time be modestly expanded to 20 minutes per side, with CRD having 20 minutes and EEOC and Activision evenly dividing the 20 minutes allotted to appellees.

In the consolidated appeals, a California state agency—Appellant CRD—has challenged the denial of two motions to intervene in a suit brought by the EEOC against Activision. The denial of CRD’s motions led to two separate appeals. Although the Court consolidated CRD’s appeals, CRD filed two separate opening briefs and the appellees have filed separate answering briefs, in which they raise several distinct arguments. (*See* CA No. 22-55060, Docket No. 24; CA No. 22-55587, Docket No. 19.) Although the Court consolidated CRD’s appeals, the appellees—EEOC and Activision—have filed separate answering briefs, in which

they raise several distinct arguments. For example, EEOC has raised a number of mootness and standing arguments, in addition to arguments regarding the merits of CRD's intervention request.

Given that the appeals arise from separate orders, initially received separate briefing, and raise multiple joint and individual issues, the parties respectfully submit that a modest amount of extra argument time is warranted. The appellees believe that 20 minutes per side will be sufficient to present the issues adequately and to address any questions from the Court.

For clarity, EEOC and Activision make this request only in the consolidated cases regarding CRD's motions to intervene—Case Nos. 22-55060 and 22-55587. EEOC and Activision do not request additional argument time in the consecutively scheduled argument regarding Jessica Gonzalez's motion to intervene in the same underlying case, Case No. 22-55515.

The parties are grateful for the Court's time. The appellees respectfully request that the Court expand oral argument time for these consolidated appeals from 15 minutes to 20 minutes per side.

DATED: June 1, 2023

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EQUAL EMPLOYMENT OPPORTUNITY
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CERTIFICATE OF SERVICE

I certify that on June 1, 2023, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

DATED: June 1, 2023

By: /s/ L. Ashley Aull
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